



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 16, 1998

Mr. William M. Toles  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2703

Dear Mr. Toles:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119657.

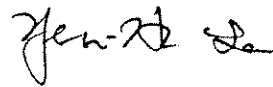
The City of Dallas Police Department (the "department") received a request for a report of an incident that occurred on June 20, 1992, involving the requestor. You assert that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents submitted.

Section 552.108, the "law enforcement exception," excepts from public disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if release of the information would interfere with the detection, investigation or prosecution of crime. Gov't Code § 552.108(a)(1). Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The offense report involves an aggravated assault that occurred on June 20, 1992. You state that the requested information relates to an open case and a current criminal investigation. However, the statute of limitations for an aggravated assault is three years from the date of the commission of the offense. Code Crim. Proc. arts. 12.01(6), 12.03(d) ("any offense that bears the title 'aggravated' shall carry the same limitation period as the primary crime"). You have not explained how or why release of the requested information would interfere with the investigation of an offense for which the statute of limitations has run. Thus,

because you have not shown the applicability of section 552.108(a)(1), we conclude that you may not withhold the requested information under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref: ID# 119657

Enclosures: Submitted documents

cc: Ms. Maria Varela  
166 Eastwood  
Lewisville, Texas 75067  
(w/o enclosures)